

February 14, 2008

Magistrate Judge Lawrence M. McKenna  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Prieto v. Target, et al.  
Our File No : DTS 23516  
Docket No : 07 CV 6338  
Date of Loss : 6/19/2004

Dear Judge McKenna:

Please be advised the office of the undersigned represent Target Corporation in the above captioned matter.

This cause of action arises from a slip and fall which occurred at a Target in the Palisades Park Mall on September 19, 2004. As a result of her fall the plaintiff claims to have injured her right hip for which she ultimately underwent a right hip replacement on April 23, 2007. Dr. Cobelli was the plaintiff's treating orthopedic surgeon. Although we have informed plaintiff's counsel of our desire to depose Dr. Cobelli, Dr. Cobelli has refused to cooperate. You have graciously extended our time to complete discovery through February 29, 2008. Nonetheless, we continue to have difficulty in gaining Dr. Cobelli's cooperation. As such, we are either requesting that either an in person or telephone conference be held to address the issue of Dr. Cobelli's deposition.

Thank you for the opportunity to have addressed you in this matter.

Respectfully submitted,

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JPC/ap

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